

TOYA141.001APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yasuda, et al.) Group Art Unit: 1623
Appl. No. : 10/521,947)
Filed : January 21, 2005)
For : COMPOSITION FOR)
PROMOTING THE)
PROLIFERATION OF)
LACTOBACILLUS CASEI)
SUBSP. CASEI)
Examiner : unknown

RECEIVED

13 JAN 2006

PETITIONLegal Staff
International Division

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants hereby respectfully petition that the Declaration and Power of Attorney submitted on February 18, 2005 and resubmitted on August 9, 2005 be entered in response to the Notice of Missing Parts mailed on July 18, 2005.

STATEMENT OF FACTS

In anticipation of a Notice to Respond to Missing Parts, a Declaration/ Power of Attorney and a check to cover the surcharge was submitted on February 18, 2005. Subsequently, a Notice of Missing Parts was mailed from the PTO on July 18, 2005. Applicants then resubmitted the February 18th submission along with an explaining letter on August 9, 2005. Copies of these submissions are attached hereto. Note Applicants have not received postcard acknowledgements for either of these submissions. In reviewing the PAIR site, Pair showed no record of either the February 2005 submission or the August 2005 submission.

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In a telephone conversation between Deirdre Bailey and Paul Bell at the PCT Help Desk, Mr. Bell advised a petition to the Legal Office to enter the previously filed response to Notice of Missing Parts, with an Addendum to charge the Deposit Account for the necessary time extension in the event that the Petition is denied.

ACTION REQUESTED

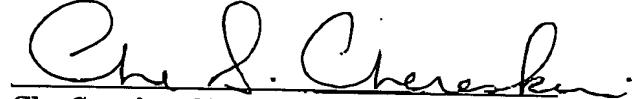
As Applicants believe that the Response to the Notice of Missing Parts was timely submitted, Applicants request entry of the Declaration & Power of Attorney submitted previously in Response to the Notice of Missing Parts without payment of time extension fees. In the event the Petition is not favorably considered, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 13, 2006

By:



Che Swyden Chereskin
Registration No. 41,466
Agent of Record
Customer No. 20,995

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**UTILITY/DESIGN PATENT
(miscellaneous)**Date: 8-9-05
Date of Action: _____

Rec'd in the USPTO on the date stamped hereon via:

- Certificate of Mail; or
 Express Mail #:

Docket #: 101S21-947 Applicant: Masedo, et al.Title: Composition for Promoting the ProliferationApp No.: 101S21-947 Filed: 1-21-05Exr: Unk Art Unit: Unk

Class/Sub-Class: _____ Re-Exam No.: _____

Patent No.: _____ Issued: _____

VERIFIED BY: Asst: SJ Atty: C. Cherkasova QC: BS

- Transmittal
 Letter (1 pg)
 Copies of Doc/PDF as previously filed
 Notice to file missing parts

 Return Prepaid Postcard

(11/23/04)

BEST AVAILABLE COPY